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SENATE BILL 956

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Phil A. Griego

AN ACT

**RELATING TO MOTOR VEHICLES; INCREASING THE FINES FOR PARKING IN
A DESIGNATED DISABLED PARKING SPACE; PROVIDING FOR SUSPENSION
OR REVOCATION OF SPECIAL REGISTRATION PLATES OR PARKING
PLACARDS; MAKING AN APPROPRIATION.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 66-3-16.1 NMSA 1978 (being Laws 1995,
Chapter 129, Section 2, as amended) is amended to read:**

"66-3-16.1. PROHIBITED ACTS--PENALTIES. --

**A. Any person who provides false information in
order to acquire, or who assists an unqualified person to
acquire, a special registration plate or parking placard as
provided in Section 66-3-16 NMSA 1978 is guilty of a
misdemeanor and shall be sentenced pursuant to the provisions
of Section 31-19-1 NMSA 1978.**

underscored material = new
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1 B. Any person, other than the person to whom a
2 special registration plate or a parking placard was issued, who
3 in the absence of the holder of the plate or placard, parks in
4 a designated disabled parking space while displaying the plate
5 or placard, is guilty of a misdemeanor and upon conviction
6 shall be sentenced pursuant to the provisions of Section
7 31-19-1 NMSA 1978.

8 C. The holder of a special registration plate or
9 parking placard shall not give or lend his plate or placard to
10 another person for use when the holder is not in the motor
11 vehicle. For the first offense pursuant to this subsection,
12 the department shall suspend the holder's privilege to have a
13 special registration plate or parking placard for six months.
14 For a second offense, the department shall permanently revoke
15 the holder's privilege to have a special registration plate or
16 parking placard.

17 ~~[C.]~~ D. A special registration plate or parking
18 placard displayed on a vehicle parked in a designated disabled
19 parking space in the absence of the holder of that plate or
20 placard, is subject to immediate seizure by a law enforcement
21 official and if seized shall be delivered to the division
22 within seventy-two hours. Failure to surrender the parking
23 placard on demand of a law enforcement officer is a petty
24 misdemeanor and punishable by a fine not to exceed one hundred
25 dollars (\$100). "

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1 Section 2. Section 66-7-352.5 NMSA 1978 (being Laws 1983,
2 Chapter 45, Section 5, as amended) is amended to read:

3 "66-7-352.5. UNAUTHORIZED USE--PENALTIES.--

4 A. It is unlawful for any person to park a motor
5 vehicle not displaying a special registration plate or a
6 parking placard issued pursuant to Section 66-3-16 NMSA 1978 in
7 a designated disabled parking space.

8 B. It is unlawful for any person to park a motor
9 vehicle in such a manner so as to block access to any part of a
10 curb cut designed for access by persons with severe mobility
11 impairment.

12 C. Any person convicted of violating Subsection A
13 or B of this section is subject to a fine of not less than [~~one~~
14 ~~hundred dollars (\$100) or more than three hundred dollars~~
15 ~~(\$300)] two hundred fifty dollars (\$250) or more than four
16 hundred fifty dollars (\$450). Failure to properly display a
17 parking placard or special registration plate issued pursuant
18 to Section 66-3-16 NMSA 1978 is not a defense against a charge
19 of violation of Subsection A or B of this section.~~

20 D. A vehicle parked in violation of Subsection A or
21 B of this section is subject to being towed at the expense of
22 the vehicle owner upon authorization by law enforcement
23 personnel or by the property owner or manager of a parking
24 lot. "

25 Section 3. APPROPRIATION.--Five thousand dollars (\$5,000)

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1 is appropriated from the general fund to the taxation and
2 revenue department for expenditure in fiscal year 2006 to
3 conduct a statewide advertising campaign to explain the
4 provisions of this act. Any unexpended or unencumbered balance
5 remaining at the end of fiscal year 2006 shall revert to the
6 general fund.

underscored material = new
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